

REMARKS

In the Office Action¹, the Examiner rejected claims 2, 3, 6, 7, 9, 11, and 23-34 under 35 U.S.C. § 112 first paragraph as failing to comply with the written description requirement. The Examiner further rejected claims 2, 3, 9, 11, 23, 25-27, 29, 30, 32, and 33 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,185,535 to Hedin et al. ("*Hedin*") in view of U.S. Patent No. 5,999,940 to Ranger ("*Ranger*"). The Examiner further rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over *Hedin* in view of *Ranger* and further in view of U.S. Patent No. 6,493,671 to Ladd et al. ("*Ladd*"). The Examiner further rejected claims 24, 28, 31, and 34 under 35 U.S.C. § 103(a) as being unpatentable over *Hedin* in view of *Ranger* and further in view of U.S. Patent No. 6,263,313 to Milsted et al. ("*Milsted*").

By this Amendment, Applicants amend claims 23, 25, 26, and 27, and add new claims 35 and 36. Support for new claim 35 can be found, for example, at pages 20 and 36 of Applicants' specification, and support for new claim 36 can be found, for example, at page 59-60 of Applicants' specification. Upon entry of this Amendment, claims 2, 3, 6, 7, 9, 11, and 23-36 will be pending and under current examination.

Applicants respectfully traverse the rejection of claims 2, 3, 6, 7, 9, 11, and 23-34 under 35 U.S.C. § 112. The Examiner alleges, "the new amended limitation 'each content item having a first identifier within a first category ...' introduces new subject matter, because it is not specifically described in the original specification" (Office Action

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

at p. 3). Amended claim 23, for example, now recites “each content item corresponding to a first preparation information within a first category.” Support for this amendment can be found, for example at pages 3 (“a list of contents comprised of plural items”), 8 (“the contents, as the music information”), 18 (“musical numbers corresponding to the title preparation information”), and 36 (“preparation information for the performer name and that of the genre from one category to another”) of Applicants’ specification. Applicants submit the amended claim language is clearly supported by the specification.

Independent claims 25, 26, and 27 have been amended in similar fashion. Claims 2, 3, 6, 7, 9, 11, and 28-34 were rejected due to their dependence on independent claims 23, 25, 26, and 27 (Office Action at p. 3). Accordingly, Applicants request the rejection of claims 2, 3, 6, 7, 9, 11, and 23-34 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Applicants respectfully traverse the rejection of claims 2, 3, 9, 11, 23, 29, 30, 32, and 33 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Hedin* in view of *Ranger*.

Independent claim 23, for example, recites a contents selection system comprising, among other things, a server which “narrows the first content list by calculating the similarity of acoustic characteristic quantities between second input speech information and the second preparation information or the third preparation information for the contents items.” Both *Hedin* and *Ranger* fail to teach or suggest at least this element of claim 23.

The Examiner concedes “*Hedin* does not expressly disclose that ‘the server narrows the first content list by calculating the similarity of acoustic characteristic

quantities between second input speech information and the identifier within the selected second or third categories” (Office Action at p. 5). However, the Examiner continues, “*Ranger* [] discloses interactive information discovery tool ..., filtering out irrelevant information (narrow content), avoiding obsolete information (narrow content) and automatically classifying query results, ... ‘performs a hit analysis ... so the user can more easily ... brows[e] to a relevant bin” (Office Action pages 5-6). Even assuming these assertions are true, and correspond to the claimed “narrow[ing] the first content list,” nothing in *Ranger* teaches or suggests doing so “by calculating the similarity of acoustic characteristic quantities between second input speech information and the second preparation information or the third preparation information.”

The cited portions of *Ranger* deal with “automatically classifying query results” using automatic “hit analysis” (*Ranger* col. 2 lines 21-23, col. 19 lines 41-42). Once the “hit analysis” is conducted, “the user is presented with a list of bins so that the user may navigate to one of the bins for visualization of its contents” (*Ranger* col. 20, lines 41-43). However, nothing in *Ranger* discloses that the “hit analysis” or “bins” are conducted using “input speech information.” Indeed, the only “input” used by *Ranger* in automatically classifying query results is a “search string.” (*Ranger* col. 20, line 28). Therefore, neither *Hedin*, as conceded by the Examiner, nor *Ranger*, as discussed above, teaches or suggests the claimed server which “narrows the first content list by calculating the similarity of acoustic characteristic quantities between second input speech information and the second preparation information or the third preparation information for the contents items.”

Further, MPEP 2145 (X)(D)(2) states: "it is improper to combine references where the references teach away from their combination." *Hedin* and *Ranger* teach away from one another, and their combination is improper.

Hedin states, "the recent standardization of a Wireless Application Protocol (WAP), using the Wireless Markup Language (WML), has enabled terminals with ... limited processing power ... to access and control services and content in a service network." (*Hedin* col. 1, lines 22-28). *Hedin* continues, "the following description utilizes the WAP and WML standards as a basis for linking a relatively low-power terminal to a remote application," and "the data that is communicated over [a] first digital link [] is preferably in the form of cards and scripts/libraries created by a standardized markup language, such as WML" (*Hedin* col. 4, lines 30-33 and 53-56).

In contrast, *Ranger* states, "there is a need for a mechanism to collect relevant information ... stored in a plurality of incompatible formats according to configurable search strategies" (*Ranger* col. 2, lines 18-21). *Ranger* continues, "search strategies can be stored and automated for collecting and organizing related information from a diversity of data sources ... encoded in different, incompatible formats" (*Ranger* col. 19, lines 15-19).

Ranger, therefore, is directed to integrating different data formats to facilitate searching related information, while *Hedin* leverages the recent development of standardized protocol and language formats to expand the capabilities of wireless terminals. *Hedin's* disclosure of requiring such standardized formats constitutes an unequivocal teaching away from *Ranger's* proposed system for integrating different formats. Similarly, because *Ranger's* motivation stems from difficulties associated with

assimilating information in different formats, *Ranger* suggests there would be no utility in a combination with a system such as *Hedin's*, which relies on a standardized format.

For similar reasons, one of ordinary skill would not have been motivated to combine *Hedin* with *Ranger*. One of ordinary skill would not expect to obtain a benefit by combining a system for integrating different formats, such as *Ranger*, with a system dependent upon a standardized format, such as *Hedin*. Indeed, one of ordinary skill would likely conclude that the system of *Ranger* has very little use in a homogenous environment such as that disclosed by *Hedin*.

Although of different scope, amended independent claims 25-27 recite features similar to those of claim 23. Claims 2, 3, 29, and 30 depend from claim 23, claim 9 depends from claim 25, and claims 11, 32, and 33 depend from claim 26. As already discussed, *Hedin* and *Ranger* fail to teach each and every element of the claims, teach away from one another, and do not contain the necessary motivation to combine. Accordingly, Applicants respectfully request the Examiner allow claims 2, 3, 9, 11, 23, 25-27, 29-30, and 32-33.

Applicants respectfully traverse the rejection of claims 6 and 7 under 35 U.S.C. § 103(a). Claims 6 and 7 depend from independent claim 23. As already discussed, *Hedin* and *Ranger* fail to fail to teach each and every element of the claims, teach away from one another, and do not contain the necessary motivation to combine.

Ladd fails to cure the deficiencies of *Hedin* and *Ranger*. Accordingly, no *prima facie* case of obviousness has been established with respect to these claims. Applicants therefore respectfully request the Examiner to withdraw the rejection of claims 6 and 7 under 35 U.S.C. § 103(a).

Applicants respectfully traverse the rejection of claims 24, 28, 31, and 34 under 35 U.S.C. § 103(a). Claims 24 and 31 depend from independent claim 23, claim 28 depends from independent claim 27, and claim 34 depends from independent claim 26. As already discussed, *Hedin* and *Ranger* fail to teach each and every element of the claims, teach away from one another, and do not contain the necessary motivation to combine.

Milsted fails to cure the deficiencies of *Hedin* and *Ranger*. Accordingly, no *prima facie* case of obviousness has been established with respect to these claims. Applicants therefore respectfully request the Examiner to withdraw the rejection of claims 24, 28, 31, and 34 under 35 U.S.C. § 103(a).

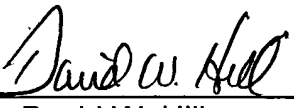
In view of the foregoing remarks, Applicants respectfully request reconsideration of the application and withdrawal of the rejections. Pending claims 2, 3, 6, 7, 9, 11, and 23-34 are in condition for allowance, and Applicants request a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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